

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CARMEN MICHELLE ALLEN

Plaintiff,

v.

**MICHAEL J. ASTRUE, Commissioner
of Social Security,**

Defendant.

No. 3:11-cv-00001-HU

OPINION AND ORDER

MOSMAN, J.,

On June 18, 2012, Magistrate Judge Hubel issued his Findings and Recommendation (“F&R”) [24] in the above-captioned case, recommending that I reverse and remand the Commissioner’s decision for further proceedings. No objections were filed by the deadline Judge Hubel set.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the

court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Hubel's recommendation and I ADOPT the F&R [24] as my own opinion. I REVERSE and REMAND the Commissioner's decision for further proceedings consistent with the F&R.

IT IS SO ORDERED.

DATED this 10th day of August, 2012.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court